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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,188	09/24/2003	Jay A. Jupiter	16232-002001	4123

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STEPTOE & JOHNSON LLP
1330 CONNECTICUT AVENUE, N.W.
WASHINGTON, DC 20036

EXAMINER

SHIBRU, HELEN

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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09/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/668,188

Applicant(s)

JUPITER, JAY A.

Examiner

HELEN SHIBRU

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendments, filed 08/02/2007, have been entered and made of record. In view of the Applicant's amendment to the drawing, the objection to the drawing is hereby withdrawn.

Claims 1-22 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii (US Pat. No. 5,265,083) in view of Mizoguchi (US Pat. No. 6,374,040).

Regarding claim 1, Ishii discloses a portable digital image viewer comprising: a disc reader configured to read a digital image file from a disc (see fig. 2, col. 3 lines 41-47 and col. 5 lines 48-55); and an integrated display screen configured to display a still image from the digital image file (see abstract, col. 7 lines 14-30 and col. 9 lines 8-20).

Claim 1 differs from Ishii in that the claim further requires a lid including the integrated display screen on an outer surface of the lid.

In the same field of endeavor Mizoguchi discloses a cover unit that rotates and detachable and the cover provided with display unit (see col. 5 lines 45-48). See also claim 3 which recites a display in the back side of the frame. Therefore in light of the teaching in Mizoguchi it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ishii by providing a display on an outer surface of the lid in order to view the image in the back.

Regarding claim 2, Ishii discloses a base including the disc reader (see fig. 2-4, component 2).

Regarding claim 3, Ishii discloses the lid is attached to the base by a hinge and swinging between an open position and a closed position, and encloses a compact disc (see abstract, col. 3 lines 54-61 and col.5 lines 6-28, see also Mizoguchi claim 3, when the cover closes it will close the disc as well since the Applicant's claim does not specifically recites **during** reproduction or operation of the viewer Mizoguchi and Ishii still meet the limitation).

Regarding claim 4, Ishii discloses one or more control keys mounted on the base or on the lid and operably connected to the disc reader (see col. 3 lines 49-53, col. 10 lines 1-9, and figs 3 and 6).

Regarding claim 5, Ishii discloses a control key is configured to advance a first still image displayed on the screen to a second still image (see col. 10 lines 1-9).

Regarding claim 6, Ishii discloses the integrated display screen is a color screen (see col. 7 lines 14-30).

Regarding claim 7, Ishii discloses the color screen has a diagonal dimension of no more than 6 inches (see col. 5 lines 36-41, where it shows the screen is 4 inches).

Regarding claim 8, Ishii discloses the disc reader includes a laser that operates at a wavelength longer than 750 nm (see col. 8 lines 10-28 where it teaches a semiconductor laser is used, and it is inherent that semiconductor laser emits wavelength above 750nm).

Note to the Applicant: The USPTO considers the Applicant's "or" language to be anticipated by any reference containing one of the subsequent corresponding elements.

Regarding claim 9, Ishii discloses the digital image file is a JPEG, GIF, TIFF or bitmap file and the controller is configured to decode the digital image file for display on the integrated display screen (see col. 1 lines 12-20, col. 7 lines 14-30 and fig. 11).

Regarding claim 10, the limitation of claim 10 can be found in claims 1 and 8. Therefore claim 10 is analyzed and rejected for the same reason as discussed in claims 1 and 8 above.

Claims 11-13 are rejected for the same reason as discussed in claims 2-4 respectively above.

Regarding claim 15, Ishii discloses the viewer is configured to display a digital image at full size on the integrated display screen (see col. 7 lines 14-30).

5. Claims 14, 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii in view of Mizoguchi (US Pat. No. 6,374,040) and further in view of Official Notice.

Regarding claim 14, claim 14 differs from Ishii in that the claim further requires to display the one or more images as a thumbnail. Official Notice is taken that displaying an image as a thumbnail is well known in the art in order to represent the image in smaller size. Therefore

it would have been obvious to one of ordinary skill in the art at the time the invention was made to display a thumbnail image for the users to search data.

Regarding claim 16, Ishii discloses a portable digital image viewer comprising: a disc reader configured to read a digital image file from a compact disc (see rejection of claim 1 above); and an integrated display screen configured to display a still image from the digital image file (see rejection of claim 1 above).

Claim 16 differs from Ishii in that the claim further requires an input port for a digital memory card configured to read a digital image file from a digital memory card. Although Ishii does not specifically disclose in the detailed description, Ishii discloses using a joy card in the conventional CD_I system. Official Notice is taken that using a digital memory card in a portable image viewer is well known in the art in order to save data. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include an input port for a digital memory card in order to connect a removable memory.

Applicant stated on the remark that Ishii does not teach a digital memory card configured to read digital image file, and Ishii's joy card is not digital memory device. The Examiner agrees that the joy card is not digital memory card however the Examiner took Official Notice that Ishii fails to teach a digital memory card but it is well known in the art to use digital memory card at the time the invention was made. The Examiner does not state that the joy card is a digital memory card. The Examiner provided prior arts to support the evidence. See the cited prior arts below.

Claims 17-19 are rejected for the same reason as discussed in claims 2-4 respectively above.

Claims 20-21 are rejected for the same reason as discussed in claims 14-15 respectively above.

Claim 22 is rejected for the same reason as discussed in claim 8 above.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Aruga et al. (US Pat. No. 6,429,896) disclose digital memory card.

Yano et al. (US Pat. PG Pub 2002/0167883 A1) discloses digital memory card.

Kato et al. (US Pat. No. 5,712,949) disclose display on the outer surface of the lid.

Stewart et al. (US PG PUB 2002/0071246 a1) disclose display on the outer surface of the lid.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

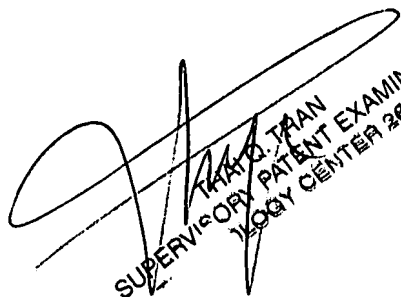
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Helen Shibru
September 7, 2007


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